



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 27th day of February, 1996

SERVED MAR 20 1996

In the matter of the revocation of the foreign scheduled
certificate issued to

USAFRICA AIRWAYS, INC.

Docket 47709

in accordance with section 204.7 of the Department's
Regulations

ORDER REVOKING CERTIFICATE

USAfrica Airways, Inc., holds certificate authority under 49 U.S.C. 41102 to engage in foreign scheduled air transportation of persons, property, and mail between a point or points in the United States, on the one hand, and a point or points in the Republic of South Africa, Cape Verde, Zimbabwe, Namibia, Botswana, and Angola, on the other hand¹. In addition, the company also holds exemption authority to engage in foreign scheduled air service between Washington, D.C., and Accra, Ghana, and Dakar, Senegal². The company conducted operations under its certificate authority until February 3, 1995, when it ceased all operations due to financial difficulties. As a result of the cessation, in accordance with section 204.7 of our rules, USAfrica's authority was automatically suspended.

By letter dated December 6, 1995, we reminded USAfrica of the dormancy provisions of section 204.7 of our rules,³ and stated that, in accordance with the rule, we would revoke its certificate authority for dormancy unless before February 3, 1996, we had received notification of the carrier's intent to have its fitness redetermined and to resume operations.

¹ See Order 94-9-44, issued September 28, 1994.

² See Order 95-2-46, issued February 23, 1995, which confirmed oral action taken November 30, 1994, granting USAfrica an exemption from 49 U.S.C. 41101 to serve the noted points for a two-year period.

³ Section 204.7 of the Department's rules provides that the authority of any carrier holding a certificate shall be revoked if the carrier has not operated for a one-year period under any authority for which it was found fit, willing, and able.

To date, USAfrica has not notified us of any desire to resume operations, nor has it filed any of the information required to have its fitness redetermined. To the contrary, USAfrica's attorney has informally advised us that the company has no immediate plans to recommence operations. Therefore, we have decided to revoke for reason of dormancy the section 41102 certificate issued to USAfrica authorizing it to engage in foreign air transportation. We will also take this opportunity to cancel the exemption authority previously granted USAfrica, as the company will no longer meet the underlying conditions on which this exemption was granted.⁴ Our action is without prejudice to USAfrica's applying for new certificate authority any time in the future.

ACCORDINGLY,

1. We revoke the foreign scheduled section 41102 certificate issued to USAfrica Airways, Inc., by Order 94-9-44 (Route 635) for reason of dormancy.
2. We cancel the exemption from 49 U.S.C. 41101 granted to USAfrica Airways, Inc., November 30, 1994, and confirmed by Order 95-2-46.
3. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order shall become effective on the 61st day after its submission for section 41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier.⁵
4. We will serve a copy of this order on the persons listed in Attachment A.

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this order is available on the World Wide Web at
<http://www.dot.gov/dotinfo/general/orders/aviation.html>.*

⁴ In order for the exemption to remain in effect, USAfrica was required to maintain its certificate authority.

⁵ This order was submitted section 41307 review on February 27, 1996.

On March 13, 1996, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

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